

## **TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

### **Rule Information Sheet**

Hazardous Waste Updates  
LSA Document #14-288

#### **Overview**

This rulemaking amends the hazardous waste rules at 329 IAC 3.1 to include recent updates to the United States Environmental Protection Agency (U.S. EPA) hazardous waste rules in the Code of Federal Regulations (CFR). The changes include the following:

- On January 8, 2010, U.S. EPA made revisions to the requirements for transboundary shipments of hazardous waste between the Organization for Economic Co-operation and Development (OECD) member countries, and export and import shipments of hazardous wastes, including spent lead acid batteries. While IDEM cannot administer these rule changes because they are matters of foreign policy that are under the authority of the federal government, IDEM is adopting these rule changes to maintain equivalency with the federal requirements. The adoption of these rule changes was delayed because of ongoing revisions to IDEM's requirements for the management of spent lead acid batteries with LSA Document #09-365, which became effective on August 14, 2013.
- On June 13, 2011, U.S. EPA published an alternative standard for the use of the best demonstrated available technologies (BDAT) for treating hazardous wastes from the production of carbamate waste and removal of carbamate Regulated Constituents from the table of Universal Treatment Standards.
- On April 13, 2012, U.S. EPA made the following changes:
  - Technical corrections of a typographical error in a table listing the identification and listings of hazardous waste at 40 CFR 261.32(a).
  - A conforming change at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal.
- On July 31, 2013, U.S. EPA published revisions to conditionally exclude solvent-contaminated wipes from:
  - the definition of solid waste if the wipes are cleaned and reused in accordance with specified procedures in 40 CFR 261.4(a); and
  - the definition of hazardous waste if the wipes are disposed in accordance with specified procedures in 40 CFR 261.4(b).
- On January 3, 2014, U.S. EPA published a conditional exclusion for carbon dioxide streams that are hazardous from the definition of hazardous waste if the streams are captured and injected into Underground Injection Control Class VI wells for geologic sequestration.

The U.S. EPA final rules published on June 13, 2011, April 13, 2012, July 31, 2013, and January

3, 2014, are optional regulations that IDEM is not required to adopt because they are less stringent than current hazardous waste requirements. IDEM's hazardous waste program must have requirements that are equivalent to or stricter than the U.S. EPA requirements. IDEM has chosen to adopt these regulations because IDEM believes the state and regulated entities will benefit from having consistent requirements with U.S. EPA regulations and the less stringent requirements may reduce the regulatory burden on regulated entities and increase compliance flexibility.

IDEM delayed the adoption of the January 8, 2010, U.S. EPA final rule because of a pending rulemaking, LSA Document #09-365, concerning spent lead acid batteries. LSA Document #09-365 became effective in August 2013, and IDEM has opted to include the January 8, 2010, rule with this set of hazardous waste updates.

### **Affected Persons**

The following persons may be affected by this rulemaking:

- An exporter or importer of hazardous waste with an OECD country, including spent lead acid batteries.
- A recycling facility that must comply with the requirements in 40 CFR 266.20(b).
- Any person that treats hazardous waste from the production of carbamate wastes.
- Any person that disposes or reuses solvent contaminated wipes in accordance with 40 CFR 261.4(a) or 40 CFR 261.4(b).
- Any person that captures or injects carbon dioxide streams into Underground Injection Control Class VI wells from geologic sequestrations.

### **Reasons for the Rule**

IDEM initiated this rulemaking to maintain equivalency and consistency with the federal hazardous waste requirements at 40 CFR 260 through 40 CFR 273. In order maintain authorization to administer a state-level hazardous waste program, IDEM must periodically make updates to the hazardous waste rules at 329 IAC 3.1 based on changes to the U.S. EPA regulations.

Some of the changes in this rulemaking are making the rules less stringent than the current requirements, and IDEM is not required to adopt these rules. IDEM decided to adopt these rules to maintain consistency with U.S. EPA requirements and offer regulated entities the flexibility to comply with the less stringent requirements.

### **Economic Impact of the Rule**

IDEM estimates that the rulemaking will have an economic impact based on the changes from the U.S. EPA final rules that IDEM is required to adopt, and will vary depending upon the type of regulated entity affected by the rulemaking. The economic impact will derive from changes mandated by the U.S. EPA rules rather than state-specific changes based on IDEM's decisions.

For entities affected by the conditional exclusion for carbon dioxide streams, they will have a

one-time cost savings of \$4,440 to \$5,273 dollars, and an annual cost savings of \$4,298 to \$8,130. The exact amount of these savings depends on the type of facility affected by the rule changes.

For entities affected by the conditional exclusion from solid waste and hazardous waste for solvent contaminated wipes, the economic impact will vary depending on the type of facility. The rule changes will have a one-time cost to understand and comply with the requirements, but the net annual savings will range from \$130 to \$29,654, depending upon the classification of the facility.

IDEM determined that the other changes in this rulemaking would not have an economic impact because the changes did not impose any new requirements that add costs for regulated entities.

A more detailed economic impact is described in the Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period (DIN: 20140723-IR-329140288).

### **Scheduled Hearings**

First Public Hearing: 1:30 p.m., November 12, 2014, at the Indiana Government Center South, 302 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Second Public Hearing: 1:30 p.m., January 14, 2014, at the Indiana Government Center South, 302 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (in Indiana), or [dwatts1@idem.in.gov](mailto:dwatts1@idem.in.gov).